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March 2, 2017

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps To Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act, GN Docket No. 16-245*

Dear Ms. Dortch:

On February 28, 2017, the undersigned and Matthew Murchison of Latham & Watkins LLP, along with Rick Chessen and Steven Morris of NCTA – The Internet & Television Association (“NCTA”), met with Jay Schwarz, Acting Wireline Advisor to Chairman Pai, regarding the above-referenced proceeding.

During the meeting, we explained that the Commission’s next report under Section 706(b) of the Telecommunications Act of 1996 would benefit from additional clarity and economic rigor—qualities that have been sorely lacking in recent reports. We urged the Commission to state clearly in the next report that “advanced telecommunications capability” simply denotes an “advanced” level of broadband, and that the previously adopted benchmark of 25 Mbps/3 Mbps is not the only valid or economically significant measure of broadband service. By the same token, we recommended that the next report should keep separate its discussion of whether “advanced telecommunications capability” is being deployed in a reasonable and timely manner, on the one hand, and any discussion of the state of the “broadband” marketplace on the other. We noted that the next report presents an opportunity for the Commission to recognize that competition in the broadband marketplace is robust and rapidly evolving in most areas, while at the same time identifying opportunities to close the digital divide in unserved rural areas.

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Please contact the undersigned if you have any questions regarding this submission.

Respectfully submitted,

/s/ Matthew A. Brill

Matthew A. Brill
of LATHAM & WATKINS LLP
Counsel for NCTA

cc: Jay Schwarz